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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Afghanistan MP Det (CID)

29 Oct 2005

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI - 0156-2005-CID369-25470 -
5M3A / 5Y2E / 5C2B

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 18 JUL 2005, 0607 - 19 JUL 2005, 1530; DETAINEE FACILITY, FOWARD
OPERATING BASE RIPLEY, AFGHANISTAN, APO, AE 09355-9355

2. 29 SEP 2005, 1854 - 29 SEP 2005, 1854; BAGRAM CID OFFICE, BAGRAM AIR
FIELD, AFGHANISTAN, APO , AE 09354

DATE/TIME REPORTED: 20 SEP 2005, 1700

INVESTIGATED BY:

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

SUBJECT:

1. MYRICKS, KEVIN DWAYNE; SGT; (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) MALE; BLACK; C CO, 926TH ENGINEER BATTALION, KANDAHAR
AIRFIELD, AFGHANISTAN, APO AE 09355;; CT ; [MAKING A FALSE STATEMENT],
[CRUELTY AND MALTREATMENT OF A PERSON UNDER U.S. CUSTODY],
[ASSAULT]

2. HAYES, JAMES RICHARD; SPC (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) MALE; WHITE; C CO, 926TH ENGINEER BATTALION, KANDAHAR
AIRFIELD, AFGHANISTAN APO AE 09355 ;; CT ; [CRUELTY AND MALTREATMENT
OF A PERSON UNDER U.S. CUSTODY], [ASSAULT]

VICTIM:

1. (b)(6) (b)(7)(C) CIV; AFGHANISTAN; (b)(6) (b)(7)(C)
AFGHANISTAN; MALE; OTHER; (b)(6) (b)(7)(C) XZ ; AKA (b)(6) (b)(7)(C) AKA:

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(b)(6) (b)(7)(C) AKA: (b)(6) (b)(7)(C) ; [CRUELTY AND MALTREATMENT OF A PERSON UNDER U.S. CUSTODY], [ASSAULT]

2. (b)(6) (b)(7)(C) CIV; AFGHANISTAN; (b)(6) (b)(7)(C) MALE; OTHER: (b)(6) (b)(7)(C) AKA: (b)(6) (b)(7)(C) AKA: (b)(6) (b)(7)(C) ; [CRUELTY AND MALTREATMENT OF A PERSON UNDER U.S. CUSTODY], [ASSAULT]

3. U.S. GOVERNMENT; ; [MAKING A FALSE STATEMENT]

INVESTIGATIVE SUMMARY:

This investigation was initiated when (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) reported one of his soldiers viewed a video of SGT MYRICKS and SPC HAYES assaulting an unknown detainee.

Investigation established probable cause to believe SGT MYRICKS and SPC HAYES committed the offenses of Cruelty and Maltreatment of a Person in U.S. Custody and Assault when they struck Mr. (b)(6) (b)(7)(C) and Mr. (b)(6) (b)(7)(C) multiple times in the stomach, chest, and sides of their bodies, with closed fists, while they were in U.S. Custody.

Further investigation established probable cause to believe SGT MYRICKS committed the offense of False Official Statement, when he provided a sworn statement, which he knew to be false when he stated he destroyed a Compact Disc (CD), which contained the video of the assault prior to him going on leave, when in fact he took the video back to the United States.

STATUTES:

Article 93, UCMJ: Cruelty and Maltreatment of a Person in U.S. Custody
Article 107, UCMJ: False Official Statement
Article 128, UCMJ: Assault

EXHIBITS/SUBSTANTIATION:

ATTACHED:

1. Agent's Investigation Report (AIR) of (b)(6) (b)(7)(C) (b)(3) 26 Sep 05, which detailed the basis for investigation; the interviews of (b)(6) (b)(7)(C) (b)(3) and

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(b)(6) (b)(7)(C) (b)(3) the receipt of statements from (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) collection of evidence; consent to search obtained from (b)(6) (b)(7)(C) (b)(3) subject interview of SPC HAYES; search of the laptop computer, which met with negative results; and the submission of the Crime Lab Request.

2. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 20 Sep 05, who stated (b)(6) (b)(7)(C) (b)(3) informed (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) that he witnessed a video on (b)(6) (b)(7)(C) (b)(3) computer of SGT MYRICKS and SPC HAYES assaulting detainees.

3. Statement of (b)(6) (b)(7)(C) (b)(3) 19 Sep 05, who stated he witnessed a video of SGT MYRICKS and SPC HAYES assaulting detainees.

4. Waiver Certificate and Statement of (b)(6) (b)(7)(C) (b)(3) 19 Sep 05, who stated the video of SGT MYRICKS and SPC HAYES assaulting detainees was on his computer; however, the video was deleted.

5. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 20 Sep 05, who stated he witnessed the interviews of (b)(6) (b)(7)(C) (b)(3) and (b)(6) (b)(7)(C) (b)(3) wherein they described the video of SGT MYRICKS and SPC HAYES assaulting detainees.

6. Consent to Search provided by (b)(6) (b)(7)(C) (b)(3) 20 Sep 05, who authorized the search of his personal computer.

7. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 20 Sep 05, who stated he did have the video on his computer; however, he subsequently deleted the video.

8. Waiver Certificate and Sworn Statement of SPC HAYES, 21 Sep 05, wherein he admitted he and SGT MYRICKS assaulted the detainees.

9. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 22 Sep 05, who stated he witnessed the video of SGT MYRICKS and SPC HAYES assaulting detainees.

10. DA Form 3655, Crime Lab Examination Request, 22 Sep 05, requesting USACIL to examine a MP3 player, a laptop, and a digital camera for digital images depicting personnel abusing detainees. (USACIDC and file copies only)

11. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 26 Sep 05, who stated he witnessed the video of SGT MYRICKS and SPC HAYES assaulting detainees.

12. AIR of (b)(6) (b)(7)(C) (b)(3) 8 Sep 05, which detailed the coordination with (b)(6) (b)(7)(C) (b)(3)

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(b)(6) (b)(7)(C) (b)(3) who provided documents relating to the capture of Mr. (b)(6) (b)(7)(C) and Mr. (b)(6) (b)(7)(C) interviews of (b)(6) (b)(7)(C) (b)(3) and the results of the Law Enforcement Records check pertaining to SGT MYRICKS and SPC HAYES.

13. Memorandum regarding the records of Task Force 31 Detainees present at FOB Ripley from Jun - Jul 2005, 27 Sep 05, which identified SGT MYRICKS and SPC HAYES were guarding detainees between the dates of 16 - 25 Jul 05.

14. TF-31 Detainees at FOB Ripley in June - July 2005, which identified Mr. (b)(6) (b)(7)(C) and Mr. (b)(6) (b)(7)(C) as the only detainees at FOB Ripley while SGT MYRICKS and SPC HAYES were guards.

15. Daily Staff Journal, 11 - 19 Jul 05, which identified SGT MYRICKS and SPC HAYES on guard together on 18 and 19 Jul 05.

16. Memorandum for Detainee Guard Roster, 7 Jul 05, which reflected the personnel and hours of the guard shifts.

17. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 28 Sep 05, who stated he witnessed the video of SGT MYRICKS and SPC HAYES assaulting detainees.

18. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 28 Sep 05, who stated there was a Standard Operating Procedure (SOP) provided for the guards, which covered how guards were required to handle detainees.

19. AIR of (b)(6) (b)(7)(C) (b)(3) 29 Sep 05, detailing the subject interview of SGT MYRICKS and additional investigative activity.

20. Waiver Certificate and Sworn Statement of SGT MYRICKS, 29 Sep 05, who admitted he and SPC HAYES assaulted two detainees.

21. CID Form 87-R-E, Consent to Search, obtained from SGT MYRICKS, 29 Sep 05, allowing the search of his personal belongings.

22. AIR of (b)(6) (b)(7)(C) (b)(3) 0 Oct 05, which detailed the interviews of (b)(6) (b)(7)(C) (b)(3) (b)(6) (b)(7)(C) (b)(3) and additional interviews of unit personnel.

23. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) Oct 05, who stated he witnessed the video of SGT MYRICKS and SPC HAYES assaulting detainees.

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24. AIR of (b)(6) (b)(7)(C) (b)(3) detailing the interviews of Mr. (b)(6) (b)(7)(C) and Mrs. (b)(6) (b)(7)(C) who were (b)(6) (b)(7)(C) of SGT MYRICKS.

25. Sworn Statement of Mr. (b)(6) (b)(7)(C) 12 Oct 05, who stated (b)(6) (b)(7)(C) SGT MYRICKS brought home a video of him and another soldier assaulting detainees; however, he thought the video was fake.

26. AIR of (b)(6) (b)(7)(C) (b)(3) 24 Oct 05, detailing the victim interview of Mr. (b)(6) (b)(7)(C) and additional investigative activity.

27. Anatomical Line Drawing, 24 Oct 05, completed by Mr. (b)(6) (b)(7)(C) which detailed the injuries he received from the assault.

28. AIR of (b)(6) (b)(7)(C) (b)(3) 26 Oct 05, which documented the coordination with the Staff Judge Advocate (b)(6) (b)(7)(C) (b)(3) who opined probable cause existed to believe SGT MYRICKS and SPC HAYES committed the offenses of Cruelty and Maltreatment of a Person in U.S. Custody and Assault when they struck Mr. (b)(6) (b)(7)(C) and Mr. (b)(6) (b)(7)(C) who were being detained by U.S. personnel. Additionally (b)(6) (b)(7)(C) (b)(3) opined probable cause existed to believe SGT MYRICKS committed the offense of False Official Statement when he provided a sworn statement wherein he knew to be false; and the final command brief.

29. (29-1 and 29-2) Evidence/Property Custody Documents, voucher 0155-05 and 0156-05, dated 20 Sep 05. (USACRC and file copies only)

NOT ATTACHED:

Retained in the Evidence Depository this office:

30. Digital Camera, item 1, voucher 0156-05.

31. MP3 Player, item 1, voucher 0156-05.

32. Laptop computer, item 2, voucher 0156-05.

33. AC Adapter, item 3, voucher 0156-055.

34. Laptop computer case, item 4, voucher 0155-05.

Retained in the files of Task Force 31, Kandahar Airfield, Afghanistan, APO AE 09355:

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35. Battlefield Detention Report, ODB320-001, Mr. (b)(6) (b)(7)(C) 4 Jul 05. [REDACTED]
36. Battlefield Detention Report, ODB320-002, Mr. (b)(6) (b)(7)(C) 4 Jul 05. [REDACTED]
37. Battlefield Detention Report, ODB334-001, Mr. (b)(6) (b)(7)(C) 5 Jul 05. [REDACTED]
38. Battlefield Detention Report, ODB334-002, Mr. (b)(6) (b)(7)(C) 5 Jul 05. [REDACTED]
39. Enemy Combatant Determination Request, Mr. (b)(6) (b)(7)(C) 19 Jul 05. [REDACTED]
40. Enemy Combatant Determination Request, Mr. (b)(6) (b)(7)(C) 19 Jul 05. [REDACTED]

The originals of Exhibits 1 through 12, and 17 through 28 are retained in the files of this office, pending adjudication. The originals of Exhibits 13 through 16 are retained in the files of Task Force 31, Kandahar Airfield, Afghanistan, APO AE 09355. The original of Exhibit 29 is retained in the files of the evidence depository, Bagram CID Office.

STATUS: This is a Final (C) Report. This investigation was terminated in accordance with CIDR 195-1, section V. paragraph 4-17a (4) in that the supported staff judge advocate is of the opinion that sufficient admissible evidence is available to prosecute the subject for the offenses, that additional investigation would produce only cumulative and unneeded evidence, and that the identification of additional subjects or offenses is unlikely. Leads remaining include the interviews of (b)(6) (b)(7)(C) (b)(3) [REDACTED] (b)(6) (b)(7)(C) (b)(3) [REDACTED] and obtaining the results from USACIL. Commander's Report of Disciplinary Action Taken (DA FM 4833) is pending.

Report Prepared/Approved By:

(b)(6) (b)(7)(C) (b)(3)
[REDACTED]

DISTRIBUTION:

1 - (Original) Director, U.S. Army Crime Records Center, ATTN: CICR-CR, 6010 6th St, Ft Belvoir, VA 22060-5506

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1- Commander, 3rd MP Group, USACIDC (ATTN: CIRC-OP) 4699 N 1st St., Forest Park, GA 30297-5119

1 - THRU:

Commander, 18th Engineer Brigade, Bagram Airfield, Afghanistan, APO AE 09354

TO: Commander, 864th Engineer Battalion, Kandahar Airfield, Afghanistan, APO AE 09355

1 - Thru: Staff Judge Advocate, Coalition Forces Command - Afghanistan, Kabul, Afghanistan, APO AE 09356

To: Commanding General, Coalition Forces Command - Afghanistan, Kabul, Afghanistan, APO AE 09356

1 - Thru: Staff Judge Advocate, Combined Joint Task Force 76, Bagram Airfield, Afghanistan, APO AE 09354

To: Commanding General, Combined Joint Task Force 76, Bagram Airfield, Afghanistan, APO AE 09354

(b)(6) (b)(7)(C) (b)(3)

1 - Provost Marshal Office (MPR#00177-2005-MPC469), Kandahar Airfield, Afghanistan, APO AE 09355 (email only/less exhibits)

1 - Deputy Commanding General-support, Combined Joint Task Force 76 (CJTF-76), Bagram Airfield, Afghanistan, APO AE 09355 (email only/less exhibits)

1 - Chief of Staff, Coalition Forces Command-Afghanistan (CFC-A), Kabul Afghanistan (email only/less exhibits)

1 - Chief of Staff, CJTF-76, Bagram Airfield, Afghanistan APO AE 09354 (email only/less exhibits)

(b)(6) (b)(7)(C) (b)(3)

1 - Commander, Task Force Eagle, Bagram Airfield, Afghanistan APO AE 09354 (email only/less exhibits)

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1 - Provost Marshal, Combined Joint Task Force 76, Bagram Airfield, Afghanistan, APO AE 09354 (email only/less exhibits)

1 - File

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REPORT PREPARED BY

REPORT APPROVED BY

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

(b)(6) (b)(7)(C) (b)(3)

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CHIEF OF STAFF, CJTF-76, BAGRAM AIR FIELD

(b)(6) (b)(7)(C) (b)(3)

PMO, Kandahar

SAC, KANDAHAR BRANCH OFFICE

(b)(6) (b)(7)(C) (b)(3)

Commander, 3D Military Police Group (CID), USACIDC, Fort Gillem, GA
30297-5119

AFGHANISTAN MP DET (CID), BAGRAM AIRFIELD //CIRC-EF//

(b)(6) (b)(7)(C) (b)(3)

(b)(6) (b)(7)(C) (b)(3)

PROVOST MARSHAL OFFICE, CJTF 76

(b)(6) (b)(7)(C) (b)(3)

Commander, USACIDC, ATTN: CIOP-ZA, 6010 6th Street, Ft Belvoir, VA 22060
FILE